

tween said counties of the states. to avoid litigation and multiple exercises of sovereignty and jurisdiction. to encourage the optimum beneficial use of the river. its facilities and its waters. and to remove all causes of controversy between said states with respect to the boundary between said counties of the states: and.

WHEREAS. the states by entering into an agreement for a new boundary are not recognizing and do not desire to recognize the former compact boundary established between them by their legislative actions and the consent of the Congress in 1905; and.

WHEREAS. because of the numerous natural cutoffs over the years and the construction and stabilization work by the Corps of Engineers. which included the dredging of channels and construction of dikes and revetments. thus moving the river around and across islands. bar areas. and lands. as between the states. neither of them recognizes any presumption that the river has moved gradually into the present designed channel location: and.

WHEREAS. the states recognize that the Corps of Engineers activities have caused tracts of land formerly on one side of the river to be isolated on the other side. and the states recognize there may have been many natural cutoffs of the Missouri River prior to the stabilization work by the Corps of Engineers: and.

WHEREAS. as to lands along or in proximity to the Missouri River. the states desire not to disturb private titles or claims which may have been established by individuals by recognizing or locating any specific areas as belonging to or being within one state or the other: instead the states desire to leave any questions of private titles to the parties involved: and.

WHEREAS. the terms of this compact shall be binding upon the states. their political and governmental subdivisions and officers and agents thereof: and.

WHEREAS. the parties recognize that the present main channel of the Missouri River as it exists within the designed channel stabilized by the Corps of Engineers is or may be different from a line parallel and equidistant from the present banks of the Missouri River: and.

WHEREAS. the states of Nebraska and South Dakota have agreed upon the terms and provisions of a compact to

establish the bound-
ary between said counties of the state.

To these ends, duly appointed commissioners for
the state of
Nebraska and the state of South Dakota jointly
convened on Feb-
ruary 24, 1989, in Lincoln, Nebraska, and have
resolved to conclude
a compact, following enactment by their respective
legislative bodies
and with consent of the Congress of the United
States, and have
agreed upon the following Articles:

ARTICLE I. Findings and Purposes

(a) The state of Nebraska and the state of South
Dakota find that
there have been actual and potential disputes,
controversies, criminal
proceedings and litigation arising or which may
arise out of the
location of the boundary line between Dakota
County, Nebraska,
and Union County, South Dakota; that the Missouri
River constitut-
ing the boundary between said counties of the states
has changed its
course from time to time, and that the United States
Army Corps of
Engineers has established a designed channel of the
river for
navigation and other purposes, which is described
and shown in the
survey referred to in Article II.